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**HOUSE BILL 609**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Earlene Roberts**

**AN ACT**

**RELATING TO PUBLIC EDUCATION; SETTING STANDARDS; REQUIRING ASSESSMENT AND ACCOUNTABILITY; CREATING SCHOOL PARTNERSHIP COUNCILS; PROVIDING FOR FAMILY AND YOUTH RESOURCE PROGRAMS; PROVIDING FOR SCHOOL AND BUSINESS PARTNERSHIP PROGRAMS; INCREASING TEACHER SALARIES; REQUIRING INCREASED PROFESSIONAL DEVELOPMENT; PROVIDING FOR A DISTINGUISHED EDUCATORS PROGRAM; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:**

**Section 1. Section 22-1-1 NMSA 1978 (being Laws 1967, Chapter 16, Section 1, as amended) is amended to read:**

**"22-1-1. PUBLIC SCHOOL CODE. -- Chapter [~~77 NMSA 1953~~] 22 NMSA 1978 may be cited as the "Public School Code". "**

**Section 2. A new Section 22-1-1.2 NMSA 1978 is enacted to read:**

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1 "22-1-1.2. [NEW MATERIAL] LEGISLATIVE FINDINGS AND  
2 PURPOSE. --

3 A. The legislature finds that it is in the best  
4 interest of the state and its citizens that all children in  
5 New Mexico be provided every available educational opportunity  
6 necessary for their advancement as responsible and productive  
7 citizens; that the preservation of the social compact  
8 established in the constitution of New Mexico requires a well-  
9 educated citizenry whose minds are trained, sharpened and  
10 focused to understand, respect and promote these great and  
11 essential principles; that the constitutional framers, in  
12 recognition of these interests, provided for a uniform system  
13 of free public schools sufficient for the education of, and  
14 open to, all the children of school age in the state; and that  
15 no education system can be sufficient for the education of all  
16 the children unless it is founded on the sound principle that  
17 every child can learn and the system must meet the needs of  
18 all children by recognizing that student achievement by every  
19 child is the fundamental goal.

20 B. The legislature finds further that a successful  
21 education system requires properly sized learning communities  
22 that engage the needs, strengths and visions of all students  
23 through the use of necessary resources where everyone is  
24 responsible and accountable for achievement.

25 C. The legislature finds further that the

1 essential components of a comprehensive and integrated  
2 education system include:

3 (1) learning communities that are  
4 characterized by the belief that every child can learn;  
5 children who are learning at high levels and graduates who  
6 succeed in work and post-secondary education; teachers who  
7 guide, coach and prompt students and who feel engaged in a  
8 challenging intellectual endeavor in which they make important  
9 decisions and accept responsibility for the achievement of  
10 their students; technology that expands learning beyond the  
11 classroom walls and makes achievement accessible to more  
12 students; teaching and assessment strategies that emphasize  
13 intellectual accomplishment for post-secondary education,  
14 productive employment and good citizenship; a student code of  
15 conduct that results in a positive learning environment and is  
16 supported by a school environment that breeds good behavior  
17 encouraged by sound discipline policies; and recognition that  
18 while all children should be taught to the same high  
19 standards, strategies will vary from student to student,  
20 school to school and district to district;

21 (2) schools that are characterized by high  
22 expectations for all students; parents and guardians who are  
23 involved and active at every level; an emphasis on high  
24 quality, nurturing relationships; comprehensive support for  
25 the whole child; and time for teacher collaboration and

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1 reflective practice;

2 (3) organizational patterns throughout a  
3 school district that foster teaching and learning across the  
4 pre-kindergarten through twelfth grade continuum; a focus on  
5 student transitions from home to school, school to school and  
6 school to work or higher education; leverage services and  
7 supports through shared school- and community-based resources;  
8 initiatives to accelerate learning for at-risk students; and  
9 coordinated supports for families and children; and

10 (4) a central office that is organized to  
11 ensure equity, defined as high achievement for all students,  
12 and ensure accountability through clearly articulated  
13 statewide achievement standards measured by sound assessment  
14 strategies and results recognized by rewards, sanctions and  
15 supports; and to deliver responsive, high quality and  
16 efficient support services to schools and learning communities  
17 with an instructional focus.

18 D. It is the purpose of this 2001 reform  
19 legislation to advance these principles on behalf of every  
20 child in public schools in New Mexico and to promote the  
21 achievement of all students by establishing a legislative  
22 framework within which the education system of this state will  
23 be guided by interrelated and integrated components intended  
24 to form the basis of a plan of action through the leadership  
25 and vision of the state, school boards, school administrators,

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1 teachers, instructional support providers, other school  
2 personnel, parents and community and civic leaders. Through  
3 this 2001 act, the legislature intends to enhance the public  
4 education system by making provisions for:

5 (1) more responsive and responsible school  
6 governance;

7 (2) effective accountability for achievement  
8 related to standards that demand high expectations of  
9 achievement by all students and measured by performance-driven  
10 assessments;

11 (3) intensive and sustained professional  
12 development;

13 (4) preparation of preschool- and school-age  
14 children for the learning environment;

15 (5) community and support services;

16 (6) instructional and technological  
17 materials;

18 (7) parental involvement;

19 (8) public involvement; and

20 (9) resource support and development.

21 E. Nothing in this 2001 act shall be construed to  
22 apply to students who are home schooled pursuant to Section  
23 22-1-2.1 NMSA 1978. "

24 Section 3. Section 22-1-2 NMSA 1978 (being Laws 1967,  
25 Chapter 16, Section 2, as amended) is repealed and a new

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1 Section 22-1-2 NMSA 1978 is enacted to read:

2 "22-1-2. [NEW MATERIAL] DEFINITIONS. --As used in the  
3 Public School Code:

4 A. "commercial advertiser" means a person who  
5 advertises a product or service for profit or not for profit  
6 and has a permitted advertisement;

7 B. "department" means the state department of  
8 public education;

9 C. "forty-day report" means the report of  
10 qualified student membership of each school district and of  
11 those eligible to be qualified students but enrolled in a  
12 private school or a home school for the first forty days of  
13 school;

14 D. "home school" means the operation by the parent  
15 of a school-age person of a home study program of instruction  
16 that provides a basic academic educational program, including  
17 reading, language arts, mathematics, social studies and  
18 science;

19 E. "instructional support provider" means a person  
20 who is employed to support the instructional program of a  
21 school district, including educational assistant, librarian,  
22 school counselor, social worker, school nurse, speech-language  
23 pathologist, psychologist, physical therapist, occupational  
24 therapist, recreational therapist, interpreter for the deaf  
25 and diagnostician;

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1 F. "licensed school employee" means teachers,  
2 school administrators and instructional support providers;

3 G. "local school board" means the policy-setting  
4 body of a school district;

5 H. "local superintendent" means the chief  
6 executive officer of a school district;

7 I. "parent" includes a guardian or other person  
8 having custody and control of a school-age person;

9 J. "private school" means a school, other than a  
10 home school, that offers on-site programs of instruction and  
11 that is not under the control, supervision or management of a  
12 local school board;

13 K. "public school" means that part of a school  
14 district that is a single attendance center where instruction  
15 is offered by one or more teachers and is discernible as a  
16 building or group of buildings generally recognized as either  
17 an elementary, middle, junior high or high school or any  
18 combination of those;

19 L. "school" means any supervised program of  
20 instruction designed to educate a student in a particular  
21 place, manner and subject area;

22 M. "school administrator" means a person licensed  
23 to administer in a school district and includes school  
24 principals and central district administrators;

25 N. "school-age person" means a person who is at

1 least five years of age prior to 12:01 a.m. on September 1 of  
2 the school year and who has not received a high school diploma  
3 or its equivalent. A maximum age of twenty-one shall be used  
4 for a person who is classified as special education membership  
5 as defined in Section 22-8-2 NMSA 1978 or as a resident of a  
6 state institution;

7 O. "school building" means a public school, an  
8 administration building and related school structures or  
9 facilities, including teacher housing, that is owned, acquired  
10 or constructed by the school district as necessary to carry  
11 out the functions of the school district;

12 P. "school bus private owner" means a person,  
13 other than a school district, the department, the state or any  
14 other political subdivision of the state, that owns a school  
15 bus;

16 Q. "school district" means an area of land  
17 established as a political subdivision of the state for the  
18 administration of public schools and segregated geographically  
19 for taxation and bonding purposes;

20 R. "school employee" includes licensed and  
21 nonlicensed employees of a school district;

22 S. "school partnership council" means the school  
23 partnership council for excellence in education;

24 T. "school principal" means the chief  
25 instructional leader and administrative head of a public



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1 school;

2 U. "school year" means the total number of  
3 contract days offered by public schools in a school district  
4 during a period of twelve consecutive months;

5 V. "state agency" or "state institution" means the  
6 New Mexico military institute, New Mexico school for the  
7 visually handicapped, New Mexico school for the deaf, New  
8 Mexico boys' school, girls' welfare home, New Mexico youth  
9 diagnostic and development center, Sequoyah adolescent  
10 treatment center, Carrie Tingley crippled children's hospital,  
11 Las Vegas medical center and any other state agency  
12 responsible for educating resident children;

13 W. "state board" means the state board of  
14 education;

15 X. "state educational institution" means an  
16 institution enumerated in Article 12, Section 11 of the  
17 constitution of New Mexico;

18 Y. "state superintendent" means the superintendent  
19 of public instruction;

20 Z. "substitute teacher" means a person who holds a  
21 certificate to substitute for a teacher in the classroom;

22 AA. "teacher" means a person who holds a license  
23 to teach and whose primary duty is classroom instruction or  
24 the supervision, below the school principal level, of an  
25 instructional program;

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1 BB. "certified school instructor" means a teacher  
2 or instructional support provider;

3 CC. "certified school employee" or "certified  
4 school personnel" means a licensed school employee;

5 DD. "consolidated school district" means a school  
6 district created by order of the state board through the  
7 consolidation of one or more existing school districts; and

8 EE. "consolidation" means the combination of part  
9 or all of the geographical area of an existing school district  
10 with part or all of the geographical areas of one or more  
11 contiguous existing school districts. "

12 Section 4. Section 22-2-8 NMSA 1978 (being Laws 1967,  
13 Chapter 16, Section 11) is amended to read:

14 "22-2-8. EDUCATIONAL STANDARDS. --

15 A. The state board shall prescribe minimum  
16 educational standards as recommended by the council on school  
17 performance standards for all public schools in the state. A  
18 copy of these educational standards shall be furnished by the  
19 department ~~[of education]~~ to each local school board and  
20 school partnership council.

21 B. The state board shall prepare and distribute to  
22 school districts a model curriculum to provide guidance in  
23 meeting minimum educational standards. Adoption and use of  
24 the model is voluntary. The model curriculum shall include  
25 teaching and assessment strategies, instructional material and

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1 resources, ideas for incorporating community resources, a  
2 directory of model teaching sites and alternative uses of  
3 school time. The department shall identify research-based  
4 instructional strategies for which there is evidence that if  
5 faithfully implemented, student achievement will improve. The  
6 educational standards shall include minimum standards for the  
7 following areas:

8 ~~[A.] curriculum;~~

9 ~~B.]~~ (1) organization and administration of  
10 education;

11 ~~[C.]~~ (2) the keeping of records, other than  
12 financial records; ~~[prescribed by the chief~~

13 ~~D.]~~ (3) membership accounting;

14 ~~[E.]~~ (4) teacher preparation;

15 ~~[F.]~~ (5) the physical condition of public  
16 school buildings and grounds; and

17 ~~[G.]~~ (6) educational facilities of public  
18 schools, including laboratories and libraries. "

19 Section 5. Section 22-2-8.1 NMSA 1978 (being Laws 1986,  
20 Chapter 33, Section 2, as amended) is amended to read:

21 "22-2-8.1. LENGTH OF SCHOOL DAY--MINIMUM --

22 A. Regular students shall be in school-directed  
23 programs, exclusive of lunch, for a minimum of the following:

24 (1) kindergarten, for half-day programs, two  
25 and one-half hours per day or four hundred fifty hours per

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1 year or, for full-day programs, five and one-half hours per  
2 day or nine hundred ninety hours per year; and

3 (2) grades one through [~~six, five and one-~~  
4 ~~half~~] twelve, six hours per day or [~~nine hundred ninety hours~~  
5 ~~per year; and~~

6 (~~3) grades seven through twelve, six hours~~  
7 ~~per day or~~] one thousand eighty hours per year.

8 B. Nothing in this section precludes a local  
9 school board or a school partnership council from setting  
10 length of school days in excess of the minimum requirements  
11 established by Subsection A of this section.

12 C. The state superintendent may waive the minimum  
13 length of school days in those districts where such minimums  
14 would create undue hardships as defined by the state board. "

15 Section 6. Section 22-2-8.2 NMSA 1978 (being Laws of  
16 1986, Chapter 33, Section 3, as amended) is amended to read:

17 "22-2-8.2. STAFFING PATTERNS--CLASS LOAD--TEACHING  
18 LOAD. --

19 A. The individual class load for elementary school  
20 teachers shall not exceed [~~twenty~~] seventeen students for  
21 kindergarten [~~provided that any teacher in kindergarten with a~~  
22 ~~class load of fifteen to twenty students shall be entitled to~~  
23 ~~the assistance of an instructional assistant~~].

24 B. The average class load for elementary school  
25 teachers at an individual school shall not exceed [~~twenty-two~~]

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1 seventeen students when averaged among grades one, two and  
2 three [~~provided that any teacher in grade one with a class~~  
3 ~~load of twenty one or more shall be entitled to the full-time~~  
4 ~~assistance of an instructional assistant~~].

5 C. [~~Effective with the 1994-95 school year~~] The  
6 average class load for an elementary school teacher at an  
7 individual school shall not exceed twenty-four students when  
8 averaged among grades four, five and six.

9 D. The daily teaching load per teacher for grades  
10 seven through twelve shall not exceed one hundred sixty  
11 students, except the daily teaching load for teachers of  
12 required English courses in grades seven and eight shall not  
13 exceed one hundred thirty-five with a maximum of twenty-seven  
14 students per class and the daily teaching load for teachers of  
15 required English courses in grades nine through twelve shall  
16 not exceed [~~one hundred fifty~~] eighty students [~~with a maximum~~  
17 ~~of thirty students per class~~].

18 E. Students receiving special education services  
19 integrated into a regular classroom for any part of the day  
20 shall be counted in the calculation of class load averages.  
21 Students receiving special education services not integrated  
22 into the regular classroom shall not be counted in the  
23 calculation of class load averages. Only classroom teachers  
24 charged with responsibility for the regular classroom  
25 instructional program shall be counted in determining average

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1 class loads. In elementary schools offering only one grade  
2 level, average class loads may be calculated by averaging  
3 appropriate grade levels between schools in the school  
4 district.

5 F. The state superintendent may waive the  
6 individual school class load requirements established in this  
7 section. Waivers shall be applied for annually and a waiver  
8 shall not be granted for more than two consecutive years.

9 Waivers may only be granted if a school district demonstrates:

10 (1) no portable classrooms are available;

11 (2) no other available sources of funding  
12 exist to meet its need for additional classrooms;

13 (3) the district is planning alternatives to  
14 increase building capacity for implementation within one year;  
15 and

16 (4) the parents of all children affected by  
17 the waiver have been notified in writing:

18 (a) of the statutory class load  
19 requirements;

20 (b) that the school district has made a  
21 decision to deviate from these class load requirements; and

22 (c) of the school district plan to  
23 achieve compliance with the class load requirements.

24 G. If a waiver is granted pursuant to Subsection F  
25 of this section to an individual school, the average class

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1 load for elementary school teachers at that school shall not  
2 exceed twenty students in grade one and shall not exceed  
3 twenty-five students when averaged among grades two, three,  
4 four, five and six.

5 H. Each school district shall report to the  
6 department [~~of education~~] the size and composition of classes  
7 subsequent to the fortieth day and the December 1 count.  
8 Failure to meet class load requirements within two years shall  
9 be justification for the disapproval of the school district's  
10 budget by the state superintendent.

11 I. The department [~~of education~~] shall report to  
12 the legislative education study committee by November 30 of  
13 each year regarding each school district's ability to meet  
14 class load requirements imposed by law.

15 J. Notwithstanding the provisions of Subsection F  
16 of this section, the state board may waive the individual  
17 class load and teaching load requirements established in this  
18 section upon a demonstration of a viable alternative  
19 curricular plan and a finding by the state board that the plan  
20 is in the best interest of the school district and that, on an  
21 annual basis, the plan has been presented to and is supported  
22 by the affected teaching staff. The department [~~of education~~]  
23 shall evaluate the impact of each alternative curricular plan  
24 annually. Annual reports shall be made to the legislative  
25 education study committee.

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1                   K. ~~[Effective with the 1987-88 school year,~~  
2 ~~certified school instructors]~~ Teachers shall not be required  
3 to perform noninstructional duties except in emergency  
4 situations as defined by the state board. For purposes of  
5 this subsection, "noninstructional duties" means noon hall  
6 duty, noon ground duty and noon cafeteria duty. "

7                   Section 7. Section 22-2-8.4 NMSA 1978 (being Laws 1986,  
8 Chapter 33, Section 5, as amended) is amended to read:

9                   "22-2-8.4. GRADUATION REQUIREMENTS. --

10                   A. At the end of the eighth grade or during the  
11 ninth grade, each student shall prepare an individual program  
12 of study for grades nine through twelve. The program of study  
13 shall be signed by a student's parent ~~[or guardian]~~.

14                   B. Beginning with students entering the ninth  
15 grade in the ~~[1986-87]~~ 2001-2002 school year, successful  
16 completion of a minimum of ~~[twenty-three]~~ twenty-seven units  
17 shall be required for graduation. These units shall be as  
18 follows:

19                                   (1) four units in English, with major  
20 emphasis on grammar and literature;

21                                   (2) three units in mathematics at algebra I  
22 level or higher;

23                                   (3) ~~[two]~~ three units in science, one of  
24 which shall have a laboratory component;

25                                   (4) ~~[three]~~ four units in social science,



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1 which shall include United States history and geography, world  
2 history and geography, and government and economics;

3 (5) one unit in physical fitness;

4 (6) one unit in communication skills, with  
5 major emphasis on writing and speaking [~~which may include a~~  
6 ~~language other than English; and~~];

7 (7) two units in a foreign language;

8 (8) one unit of student service learning; and

9 [~~(7) nine~~] (9) eight elective units. Only  
10 the following elective units shall be counted toward meeting  
11 the requirements for graduation: fine arts, i. e., music,  
12 band, chorus and art; practical arts; physical education;  
13 languages other than English; speech; drama; vocational  
14 education; mathematics; science; English; R. O. T. C. ; social  
15 science; computer science; health education; American sign  
16 language; and other electives approved by the state board.

17 C. With the approval of the local school board,  
18 participation on an athletic team or in an athletic sport  
19 during the school day may count toward fulfillment of the  
20 physical education required unit.

21 [~~C.~~] D. Final examinations shall be administered  
22 to all students in all classes offered for credit.

23 [~~D. Beginning with students entering the ninth~~  
24 ~~grade in the 1986-87 school year~~]

25 E. No student shall receive a high school diploma

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1 who has not passed a state competency examination in the  
2 subject areas of reading, English, math, science and social  
3 science. [~~Beginning with the 1996-97 school year~~] The state  
4 competency examinations on social science shall include a  
5 section on the constitution of the United States and the  
6 constitution of New Mexico. If a student exits from the  
7 school system at the end of grade twelve without having passed  
8 a state competency examination, he shall receive an  
9 appropriate state certificate indicating the number of credits  
10 earned and the grade completed. If within five years after a  
11 student exits from the school system he takes and passes the  
12 state competency examination, he may receive a high school  
13 diploma.

14 [~~E.~~] F. The state board may establish a policy  
15 to provide for administrative interpretations to clarify  
16 curricular and testing provisions of the Public School  
17 Code. "

18 Section 8. Section 22-2-8.6 NMSA 1978 (being Laws  
19 1986, Chapter 33, Section 7, as amended) is amended to read:

20 "22-2-8.6. EDUCATIONAL CONTENT AND PERFORMANCE  
21 STANDARDS-- [~~REMEDATION PROGRAMS~~] EXTENDED LEARNING  
22 SERVICES-- PROMOTION POLICIES-- RESTRICTIONS. --

23 A. The state board shall identify educational  
24 content and performance standards as measured by the state  
25 assessment program and establish performance levels of

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1 proficiency [~~Remediation programs~~] as recommended by the  
2 council on school assessments. Extended learning services,  
3 academic improvement programs and promotion policies shall  
4 be aligned with content and performance standards and based  
5 on the following:

6 (1) statewide assessment results;

7 (2) alternative school-district-determined  
8 assessment results; and

9 (3) student performance in school.

10 B. [~~Local~~] School [~~boards~~] partnership councils  
11 shall approve [~~district-developed remediation programs~~]  
12 extended learning services and academic improvement programs  
13 to provide special instructional assistance to students in  
14 grades one through [~~eight~~] twelve who fail to attain a level  
15 of proficiency established by the [~~content~~] standards. The  
16 cost of [~~remediation programs~~] extended learning services  
17 and academic improvement programs shall be borne by the  
18 school district. [~~Remediation programs~~] Extended learning  
19 services and academic improvement programs shall be  
20 incorporated into the school district's educational plan for  
21 student success and filed with the department. [~~of~~  
22 ~~education.~~

23 C. ~~The cost of summer and extended day~~  
24 ~~remediation programs and academic improvement programs~~  
25 ~~offered in grades nine through twelve shall be borne by the~~

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1 ~~parent or guardian; however, where parents are determined to~~  
2 ~~be indigent according to guidelines established by the state~~  
3 ~~board, the local school board shall bear those costs.~~

4 ~~D.]~~ C. Diagnosis of weaknesses identified by the  
5 reading or writing performance assessment instrument  
6 administered pursuant to Section 22-2-8.5 NMSA 1978 may  
7 serve as criteria in assessing the need for [~~remedial~~  
8 ~~programs~~] extended learning services or retention.

9 ~~[E.]~~ D. A parent [~~or guardian~~] shall be notified  
10 no later than the end of the second grading period that his  
11 child is failing to attain appropriate grade level  
12 proficiency in content and performance standards, and a  
13 conference consisting of the parent [~~or guardian~~] and the  
14 teacher shall be held to discuss possible [~~remediation~~  
15 ~~programs~~] extended learning services available to assist the  
16 student in attaining the required level of proficiency  
17 established by the content and performance standards.

18 Specific academic deficiencies and [~~remediation~~] extended  
19 learning strategies shall be explained to the student's  
20 parent [~~or guardian~~] and a written plan developed containing  
21 timelines, academic expectations and the measurements to be  
22 used to verify that a student has overcome his academic  
23 deficiencies. [~~Remediation programs~~] Extended learning  
24 services and academic improvement programs include tutoring,  
25 extended day or week programs, summer programs and other

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1 research-based models for student improvement.

2 [F-] E. At the end of grades one through seven,  
3 three options are available, dependent on a student's  
4 attainment of the required level of proficiency established  
5 by the content and performance standards:

6 (1) the student has attained the level of  
7 proficiency required by the content and performance  
8 standards and shall enter the next higher grade;

9 (2) the student has not attained the  
10 required level of proficiency and shall participate in the  
11 required level of [~~remediation~~] extended learning. Upon  
12 certification by the school district that the student has  
13 successfully overcome his areas of deficiency, he shall  
14 enter the next higher grade; or

15 (3) the student has not attained the level  
16 of proficiency required by the content and performance  
17 standards upon completion of the prescribed [~~remediation~~  
18 ~~programs~~] extended learning services and upon the  
19 recommendation of the certified school instructor and school  
20 principal shall either be:

21 (a) retained in the same grade for no  
22 more than one school year with an academic improvement plan  
23 developed by the student assistance team in order to attain  
24 proficiency of content and performance standards, at which  
25 time the student shall enter the next higher grade; or

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1 (b) promoted to the next grade if the  
2 parent [~~or guardian~~] refuses to allow his child to be  
3 retained pursuant to Subparagraph (a) of this paragraph. In  
4 this case, the parent [~~or guardian~~] shall sign a waiver  
5 indicating his desire that the student be promoted to the  
6 next higher grade with an academic improvement plan designed  
7 to address specific academic deficiencies. The academic  
8 improvement plan shall be developed by the student  
9 assistance team outlining timelines and monitoring  
10 activities to ensure progress toward overcoming those  
11 academic deficiencies. Students failing to attain  
12 proficiency of content and performance standards at the end  
13 of that year shall then be retained in the same grade for no  
14 more than one year in order to have additional time to  
15 master the required content and performance standards.

16 [~~G.~~] F. At the end of the eighth grade, a  
17 student who fails to attain proficiency of content and  
18 performance standards shall be retained in the eighth grade  
19 for no more than one school year in order to attain  
20 proficiency of content and performance standards or if the  
21 student assistance team determines that retention of the  
22 student in the eighth grade will not assist the student  
23 attain the appropriate level of academic achievement and  
24 proficiency of standards, the team shall design a high  
25 school graduation plan to meet the student's needs for entry

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1 into the workforce or a post-secondary educational  
2 institution. If a student is retained in the eighth grade,  
3 the student assistance team shall develop a specific  
4 academic improvement plan that clearly delineates the  
5 student's academic deficiencies and prescribes a specific  
6 remediation plan to address those academic deficiencies.

7 ~~[H.]~~ G. A student who fails to attain  
8 proficiency of content and performance standards for two  
9 successive school years shall be referred to the student  
10 assistance team for placement in an alternative program  
11 designed by the school district; provided that the student  
12 shall continue to be considered as part of his regular  
13 school student population for purposes of calculating the  
14 regular school's performance record for accountability  
15 purposes. Alternative program plans shall be filed with the  
16 department ~~[of education]~~.

17 ~~[I.]~~ H. Promotion and retention decisions  
18 affecting a student enrolled in special education shall be  
19 made in accordance with the provisions of the individual  
20 educational plan established for that student.

21 ~~[J.]~~ I. For the purposes of this section:

22 (1) "academic improvement plan" means a  
23 written document developed by the student assistance team  
24 that describes the specific content and performance  
25 standards required for a certain grade level that a student

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1 has not achieved and that prescribes specific remediation  
2 programs such as summer school, extended day or week school  
3 and tutoring;

4 (2) "alternative school-district-determined  
5 assessment results" means the results obtained from student  
6 assessments developed by a local school board and conducted  
7 at an elementary grade level or middle school level;

8 (3) "educational plan for student success"  
9 means a student-centered tool developed to define the role  
10 of the academic improvement plan within the district that  
11 addresses methods to improve a student's learning and  
12 success in school and that identifies specific measures of a  
13 student's progress;

14 (4) "statewide assessment results" means  
15 the results obtained from the New Mexico achievement  
16 assessment that is administered annually to grades three  
17 through nine pursuant to state board rule; and

18 (5) "student assistance team" means a group  
19 consisting of a student's:

20 (a) teacher;

21 (b) school counselor;

22 (c) school administrator; and

23 (d) parent [~~or legal guardian~~]. "

24 Section 9. Section 22-5-4 NMSA 1978 (being Laws 1967,  
25 Chapter 16, Section 28, as amended) is amended to read:

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1 "22-5-4. LOCAL SCHOOL BOARDS-- POWERS-- DUTIES. -- A local  
2 school board shall have the following powers or duties:

3 A. subject to the [~~regulations~~] rules of the  
4 state board, [~~supervise and control all public schools~~  
5 ~~within the school district and all property belonging to or~~  
6 ~~in the possession of the school district~~] set policy for the  
7 school district;

8 B. employ a local superintendent [~~of schools~~]  
9 for the school district and fix his salary and terminate or  
10 discharge him, subject to the approval of the state  
11 superintendent;

12 C. delegate administrative and supervisory  
13 functions of the local school board to the local  
14 superintendent; [~~of schools~~];

15 ~~D. subject to the provisions of law, approve or~~  
16 ~~disapprove the employment, termination or discharge of all~~  
17 ~~employees and certified school personnel of the school~~  
18 ~~district upon a recommendation of employment, termination or~~  
19 ~~discharge by the superintendent of schools; provided that~~  
20 ~~any employment relationship shall continue until final~~  
21 ~~decision of the board. Any employment, termination or~~  
22 ~~discharge without the prior recommendation of the~~  
23 ~~superintendent is void;~~

24 E. ~~apply to the state board for a waiver of~~  
25 ~~certain provisions of the Public School Code relating to~~

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1 ~~length of school day, staffing patterns, subject area or the~~  
2 ~~purchase of instructional materials for the purpose of~~  
3 ~~implementing a collaborative school improvement program for~~  
4 ~~an individual school;~~

5 ~~F. fix the salaries of all employees and~~  
6 ~~certified school personnel of the school district;~~

7 ~~G. contract, lease, purchase and sell for the~~  
8 ~~school district;~~

9 ~~H.]~~ D. acquire and dispose of property;

10 ~~[I.]~~ E. have the capacity to sue and be sued;

11 ~~[J.]~~ F. acquire property by eminent domain [as]  
12 pursuant to the procedures provided in the Eminent Domain  
13 Code;

14 ~~[K.]~~ G. issue general obligation bonds of the  
15 school district;

16 ~~[L.]~~ H. provide for the repair and [maintain]  
17 maintenance of all property belonging to the school  
18 district;

19 ~~[M.]~~ I. for good cause and upon order of the  
20 district court, subpoena witnesses and documents in  
21 connection with a hearing concerning any powers or duties of  
22 the local school boards;

23 ~~[N. except for expenditures for salaries,~~  
24 ~~contract for]~~

25 J. receive periodic reports from the local

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1 superintendent on the expenditure of money according to the  
2 provisions of the Procurement Code;

3 ~~[O-]~~ K. adopt ~~[regulations]~~ rules pertaining to  
4 the administration of all powers or duties of the local  
5 school board;

6 ~~[P-]~~ L. accept or reject any charitable gift,  
7 grant, devise or bequest for the school district, and the  
8 particular gift, grant, devise or bequest accepted shall be  
9 considered an asset of the school district ~~[or the public~~  
10 ~~school to which it is given; and]~~;

11 M upon recommendation of a school partnership  
12 council, accept or reject any charitable gift, grant, devise  
13 or bequest for a school if the gift, grant, devise or  
14 bequest would bind the school to a match requirement or  
15 other expenditure of money that would have to be paid from  
16 state or school district funds. If accepted, the gift,  
17 grant, devise or bequest shall be considered an asset of the  
18 school to which it is given; and

19 ~~[O-]~~ N. offer and, upon compliance with the  
20 conditions of such offer, pay rewards for information  
21 leading to the arrest and conviction or other appropriate  
22 disciplinary disposition by the courts or juvenile  
23 authorities of offenders in case of theft, defacement or  
24 destruction of school district property. All such rewards  
25 shall be paid from school district funds in accordance with

1 [regulations] rules that shall be promulgated by the  
2 department [~~of education~~]. "

3 Section 10. A new Section 22-5-4.1 NMSA 1978 is  
4 enacted to read:

5 "22-5-4.1. [NEW MATERIAL] LOCAL SUPERINTENDENT-- POWERS  
6 AND DUTIES. --

7 A. The local superintendent shall:

8 (1) carry out the policies and rules of the  
9 state board and local school board;

10 (2) administer and supervise the school  
11 district;

12 (3) provide assistance and support to  
13 public schools in the performance of their duties and  
14 meeting of their goals;

15 (4) employ, assign, terminate or discharge  
16 all nonschool-based employees of the school district;

17 (5) employ, assign, terminate or discharge  
18 school principals after consultation with the school  
19 partnership council of the school to which the school  
20 principal is assigned;

21 (6) fix the salaries of all employees of  
22 the school district, including all final authority to  
23 bargain collectively with employee organizations subject to  
24 any minimum salary requirements, within budgetary  
25 constraints;

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1 (7) prepare the school district budget,  
2 incorporating the budget submissions by each public school  
3 in the school district for purposes of reporting and  
4 accounting to the state; and

5 (8) perform other duties as required by  
6 law, the department or the local school board.

7 B. At the request of a school partnership  
8 council, the local superintendent may apply to the state  
9 board for a waiver of certain provisions of the Public  
10 School Code relating to length of school day, staffing  
11 patterns, subject area or the purchase of instructional  
12 materials for the purpose of implementing a collaborative  
13 school improvement program for an individual school."

14 Section 11. Section 22-5-4.3 NMSA 1978 (being Laws  
15 1986, Chapter 33, Section 9, as amended) is amended to read:

16 "22-5-4.3. SCHOOL DISCIPLINE POLICIES. --

17 A. [~~Local school boards~~] The local  
18 superintendent shall establish student discipline policies  
19 and shall file them with the department [~~of education~~]. The  
20 [~~local school board~~] local superintendent shall involve  
21 parents, school personnel and students in the development of  
22 these policies, and public hearings shall be held during the  
23 formulation of these policies in the high school attendance  
24 areas within each district or on a district-wide basis for  
25 those districts that have no high school.

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1           B. Each school district discipline policy shall  
2 establish rules of conduct governing areas of student and  
3 school activity, detail specific prohibited acts and  
4 activities and enumerate possible disciplinary sanctions,  
5 which sanctions may include corporal punishment, in-school  
6 suspension, school service, suspension or expulsion.

7           C. ~~[An individual]~~ Each school ~~[within a~~  
8 ~~district]~~ partnership council may establish a school  
9 discipline policy ~~[provided that]~~ if parents, school  
10 personnel and students are involved in its development and a  
11 public hearing is held in the public school prior to its  
12 adoption. If ~~[an individual]~~ a school partnership council  
13 adopts a discipline policy in addition to the ~~[local]~~ school  
14 ~~[board's]~~ district discipline policy, it shall submit its  
15 policy to the local ~~[school board]~~ superintendent for  
16 approval.

17           D. No school employee who in good faith reports  
18 any known or suspected violation of ~~[the school]~~ a  
19 discipline policy or in good faith attempts to enforce the  
20 policy shall be held liable for any civil damages as a  
21 result of such report or of his efforts to enforce any part  
22 of the policy. "

23           Section 12. A new Section 22-5A-1 NMSA 1978 is enacted  
24 to read:

25           "22-5A-1. [NEW MATERIAL] SHORT TITLE. -- Chapter 22,

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1 Article 5A NMSA 1978 may be cited as the "School Partnership  
2 Council Act". "

3 Section 13. A new Section 22-5A-2 NMSA 1978 is enacted  
4 to read:

5 "22-5A-2. [NEW MATERIAL] DEFINITIONS. --As used in the  
6 School Partnership Council Act:

7 A. "council" means the school partnership  
8 council for excellence in education; and

9 B. "immediate family member" means a spouse,  
10 child, mother, father or sibling. "

11 Section 14. A new Section 22-5A-3 NMSA 1978 is enacted  
12 to read:

13 "22-5A-3. [NEW MATERIAL] SCHOOL PARTNERSHIP COUNCILS--  
14 CREATED-- MEMBERSHIP-- QUALIFICATIONS-- OFFICERS. --

15 A. Each school district shall adopt rules for  
16 the establishment of a "school partnership council for  
17 excellence in education" at each public school within the  
18 school district. The rules shall be adopted prior to the  
19 first day of the 2002-2003 school year. Council elections  
20 shall be held for each public school in November 2002 for  
21 terms beginning in the 2003-2004 school year; thereafter,  
22 elections shall be held in September.

23 B. The council of a public elementary, middle or  
24 junior high school shall be composed of the school  
25 principal, who shall serve ex officio; three teachers in the

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1 public school and two parents of students in the public  
2 school. The council of a public high school shall be  
3 composed of the school principal, who shall serve ex  
4 officio; four teachers in the public school; three parents  
5 of students in the public school and the president of the  
6 student council or similar student organization, who shall  
7 serve ex officio and shall be nonvoting.

8 C. A teacher who is assigned to the public  
9 school for at least seventy-five percent of the school day  
10 is eligible for membership on the council. All teachers who  
11 are assigned to the public school for at least seventy-five  
12 percent of the school day may vote for the teacher  
13 candidates. At the discretion of the local superintendent,  
14 the collective bargaining unit that represents teachers at  
15 the public school may administer the election. The  
16 collective bargaining unit may monitor the election.

17 D. Except as provided in Subsection E of this  
18 section, a parent who has a child enrolled and attending the  
19 public school is eligible for membership on the council.  
20 Parents shall be elected by a majority vote of at least  
21 thirty percent of the parents of students in the public  
22 school.

23 E. Members of the local school board and their  
24 immediate family members are not eligible for membership on  
25 a council. Except for school principal and teacher members,



1 employees of the school district and their immediate family  
2 members are not eligible for membership on a council.

3 F. If not enough members are elected to the  
4 council, the school principal, subject to the approval of  
5 the local superintendent, shall appoint as many teachers and  
6 parents as may be necessary; provided that the appointees  
7 shall reflect the diversity of the public school student  
8 population and shall otherwise meet the qualifications set  
9 forth in this section.

10 G. The terms of office shall be:

11 (1) for teachers on a public elementary,  
12 middle or junior high school council, the initial terms  
13 shall be assigned in a manner that provides for the election  
14 of one teacher for a one-year term and two teachers for two-  
15 year terms; thereafter, terms shall be for two years;

16 (2) for parents on a public elementary,  
17 middle or junior high school council, the initial terms  
18 shall be assigned in a manner that provides for the election  
19 of one parent for a one-year term and one parent for a two-  
20 year term; thereafter, terms shall be for two years;

21 (3) for teachers on a public high school  
22 council, the initial terms shall be assigned in a manner  
23 that provides for the election of two teachers for one-year  
24 terms and two teachers for two-year terms; thereafter, terms  
25 shall be for two years; and

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1 (4) for parents on a public high school  
2 council, the initial terms shall be assigned in a manner  
3 that provides for the election of one parent for a one-year  
4 term and two parents for two-year terms; thereafter, terms  
5 shall be for two years.

6 H. Members of a council shall serve without  
7 compensation.

8 I. The school principal shall serve as chairman  
9 of the council. The members shall elect the vice chairman.  
10 The council shall elect a secretary, who does not have to be  
11 a member of the council. School employees shall assist the  
12 council as requested."

13 Section 15. A new Section 22-5A-4 NMSA 1978 is enacted  
14 to read:

15 "22-5A-4. [NEW MATERIAL] VACANCIES. --

16 A. A vacancy occurs if a member does not meet  
17 the eligibility requirements of office or if a member dies,  
18 resigns or is removed as a council member.

19 B. Except in cases where a vacancy results from  
20 removal of a member by the state superintendent following  
21 classification of the school as educationally distressed,  
22 appointments to fill a vacancy shall be made within forty-  
23 five days of the vacancy by a majority vote of the council.  
24 Appointments shall be for the unexpired term of office. If  
25 the council fails to fill a vacancy within the time

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1 specified, the school principal, with approval of the local  
2 superintendent, shall make the appointment. Persons  
3 appointed to fill vacancies shall meet the same requirements  
4 and qualifications as the original member. If a vacancy  
5 results from removal of a member by the state superintendent  
6 following classification of a school as educationally  
7 distressed, the state superintendent shall appoint a person  
8 to fill the vacant position for the unexpired term of  
9 office. "

10 Section 16. A new Section 22-5A-5 NMSA 1978 is enacted  
11 to read:

12 "22-5A-5. [NEW MATERIAL] COUNCIL TRAINING MANDATORY. --

13 A. A person elected or appointed to a council  
14 for the first time shall complete a minimum of six hours of  
15 department-approved training in the process of school-based  
16 decision-making. Incumbent members and members who have  
17 served on a council previously shall complete a minimum of  
18 three hours of department-approved training in the process  
19 of school-based decision-making. The training shall be  
20 completed no later than thirty days after the beginning of  
21 the term of the member. Members who have been appointed to  
22 fill vacancies shall complete the applicable training within  
23 thirty days of appointment. A certificate of training shall  
24 be filed with the school principal.

25 B. Failure to complete training or to file a

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1 certificate of training shall be cause for removal of the  
2 member, and the school principal shall declare a vacancy.

3 C. The provisions of this section shall not be  
4 waived. "

5 Section 17. A new Section 22-5A-6 NMSA 1978 is enacted  
6 to read:

7 "22-5A-6. [NEW MATERIAL] COUNCIL ORGANIZATION--  
8 MEETINGS.--

9 A. At least thirty days prior to the beginning  
10 of a school term, the chairman shall convene a meeting to  
11 organize the council. Regular meetings of the council shall  
12 be held at least once a month. Special meetings may be  
13 called by the chairman and shall be called by the chairman  
14 upon the written request of a majority of the members.

15 B. The council shall set aside a predetermined  
16 time period at each meeting during which public comment is  
17 allowed.

18 C. The council is subject to the provisions of  
19 the Open Meetings Act. "

20 Section 18. A new Section 22-5A-7 NMSA 1978 is enacted  
21 to read:

22 "22-5A-7. [NEW MATERIAL] POWERS AND DUTIES.--

23 A. The council shall:

24 (1) set school policy for promoting student  
25 achievement and meeting school goals in conformity with

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1 state law and the policies of the state board and the local  
2 school board, including:

3 (a) curriculum and instructional  
4 strategies, including needs assessment and curriculum  
5 development;

6 (b) funding priorities and needs;

7 (c) setting standards and criteria  
8 relating to the selection and acquisition of textbooks,  
9 other instructional material and instructional and  
10 noninstructional student support services;

11 (d) the schedule of the school day,  
12 week and year; provided that the schedule shall conform to  
13 at least the minimum set as general policy by the school  
14 district;

15 (e) the use of school space during the  
16 school day;

17 (f) student discipline, including the  
18 nature, scope, extent, application and use of disciplinary  
19 techniques; a guidance program for classroom management; and  
20 the participation, role and responsibility of students,  
21 parents, teachers, instructional support providers and the  
22 school principal in maintaining and enforcing the  
23 disciplinary program;

24 (g) the standards and criteria for the  
25 selection of extracurricular programs and the requirements

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1 for student eligibility; and

2 (h) a public participation and  
3 outreach policy to inform parents and the community about  
4 academic achievement, school activities and programs, school  
5 policies and procedures and the importance of parental and  
6 community participation in public schools;

7 (2) prepare and adopt a plan for the  
8 expenditure of performance incentive awards; and

9 (3) approve the annual accountability  
10 report of the public school.

11 B. The council may advise:

12 (1) the school principal on hiring  
13 personnel;

14 (2) the school principal on the annual  
15 budget for the ensuing fiscal year; and

16 (3) the local superintendent about the  
17 appointment and selection of a school principal. "

18 Section 19. A new section of Chapter 22, Article 8  
19 NMSA 1978 is enacted to read:

20 "[NEW MATERIAL] BUDGETS-- FUNDING FORMULA  
21 EXPENDITURES-- LIMITATIONS. -- Beginning with the submission  
22 and approval of school district budgets for the 2005-2006  
23 school year, each budget for a school district that has not  
24 received a waiver from the department shall provide that a  
25 minimum of ninety-two percent of each dollar received by the

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1 school district through the funding formula be directed to  
2 the schools of the school district for the sole purposes of  
3 learning programs, school employee salaries and school  
4 facilities' operations and maintenance; a maximum of eight  
5 percent of each dollar received may be retained by the  
6 school district for administrative and support services  
7 provided at the district level. School districts with less  
8 than one thousand students may apply to the state  
9 superintendent for a waiver to ensure adequate funding for  
10 administrative and support functions. "

11 Section 20. Section 22-10-6 NMSA 1978 (being Laws  
12 1973, Chapter 135, Section 1) is amended to read:

13 "22-10-6. SCHOOL PRINCIPALS--ADDITIONAL DUTIES. -- [The  
14 position of school principal is hereby recognized.]

15 A. In addition to other duties prescribed by  
16 law, a [public] school principal shall [be responsible for]:

17 [A.—assuming] (1) assume administrative  
18 responsibility and instructional leadership, under the  
19 supervision of the local superintendent [of schools], with  
20 regard to the discipline of students and the planning,  
21 operation, supervision and evaluation of the educational  
22 program of the school to which he is assigned;

23 [B.—submitting recommendations to the local  
24 superintendent concerning evaluation, promotion, transfer  
25 and dismissal of]

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1                                   (2) with the advice of the school  
2 partnership council, hire all personnel assigned to the  
3 school to which he is assigned and discharge them with the  
4 approval of the local superintendent;

5                                   ~~[C.—performing]~~ (3) perform any other  
6 duties assigned him by the local superintendent pursuant to  
7 local school board policies;

8                                   ~~[Nothing in this section shall be construed as a~~  
9 ~~limitation on the powers, duties and obligations of a local~~  
10 ~~school board]~~

11                                   (4) carry out the policies of the school  
12 partnership council, including managing the operation of  
13 school facilities, staff and other resources and  
14 administering the school budget; and

15                                   (5) develop and implement staff development  
16 programs.

17                                   B. As the instructional leader of his public  
18 school, a school principal shall:

19                                   (1) advance the educational achievement of  
20 the students and the school;

21                                   (2) improve school performance;

22                                   (3) promote the instructional program of  
23 the school and the instructional practices of the public  
24 school staff;

25                                   (4) develop and implement staff development



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1 programs;

2 (5) lead and motivate school staff and  
3 students; and

4 (6) promote parental involvement in the  
5 school. "

6 Section 21. A new section of the School Personnel Act  
7 is enacted to read:

8 "[NEW MATERIAL] TEACHER LICENSE LEVELS-- MINIMUM  
9 SALARIES-- DIFFERENTIAL SALARY. --

10 A. Except as otherwise provided in this section,  
11 every school district shall pay teachers at least the  
12 minimum salary for their levels of licensure. A school  
13 district may adopt a salary scale in excess of the required  
14 scale. Minimum salaries are for not less than seven hours  
15 per day for one hundred eighty-six days, or the equivalent  
16 for a variable calendar.

17 B. A teacher who holds a level one license shall  
18 remain at that level for at least one year but no more than  
19 three full years. To advance from level one to level two, a  
20 teacher must demonstrate a department-adopted level of  
21 competence, including passing the praxis 1 teaching  
22 examination or an equivalent examination approved by the  
23 department. A level one teacher who does not meet the  
24 requirements for a level two license after three full years  
25 shall lose his license to teach. The minimum salary for

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1 level one is thirty-two thousand dollars (\$32,000) per year.

2 C. A teacher who holds a level two license shall  
3 remain at that level for at least one year but no more than  
4 three full years. To advance from level two to level three,  
5 a teacher must demonstrate a department-adopted level of  
6 competence, including passing the praxis 2 teaching  
7 examination or an equivalent examination approved by the  
8 department. A level two teacher who does not meet the  
9 requirements for a level three license after three full  
10 years shall lose his license to teach. The minimum salary  
11 for level two is thirty-six thousand dollars (\$36,000).

12 D. A teacher who holds a level three license  
13 shall remain at that level for at least one year. To  
14 advance from level three to level four, a teacher must  
15 demonstrate a department-adopted level of competence,  
16 including receiving a master's degree or its equivalent in  
17 the subject matter in which the teacher instructs and  
18 successfully passes the praxis 3 teaching examination or an  
19 equivalent examination approved by the department. A level  
20 three license is renewable every five years, upon  
21 satisfactory demonstration of continued competency. The  
22 minimum salary for level three is forty-four thousand  
23 dollars (\$44,000).

24 E. A teacher who holds a level four license  
25 shall remain at that level for at least one year. To

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1 advance from level four to level five, a teacher must  
2 demonstrate a department-adopted competence, including  
3 passage of a rigorous performance test selected by the  
4 department and supervised by a distinguished educator. A  
5 level four license is renewable every five years, upon  
6 satisfactory demonstration of continued competency. The  
7 minimum salary for level four is forty-eight thousand  
8 dollars (\$48,000).

9 F. To receive a level five license, a teacher  
10 must demonstrate a department-adopted level of competency,  
11 including attainment of national board for professional  
12 teaching standards certification. A level five license is  
13 renewable every five years, upon satisfactory demonstration  
14 of continued competency. The minimum salary for level five  
15 is fifty-five thousand dollars (\$55,000).

16 G. Teachers assigned by local superintendents to  
17 public schools or disciplines designated by the department  
18 as "hard to fill" shall receive a differential of four  
19 thousand dollars (\$4,000) a year for each school year of  
20 service in that public school or discipline as long as the  
21 public school or discipline is designated as "hard to fill".  
22 If the teacher does not fulfill the contract, the  
23 differential shall be prorated based on the time spent at  
24 the public school or discipline. The differential provided  
25 for in this subsection shall not be added to the teacher's

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1 base salary.

2 H. A current teacher who is certified on the  
3 effective date of this section shall be deemed to be at the  
4 license level that corresponds to his salary as of the  
5 effective date of this section. A teacher who does not  
6 possess the required qualifications for his assigned license  
7 level shall have two years from the effective date of this  
8 section to meet the applicable requirements for that level.  
9 If a current teacher cannot pass the required examination of  
10 the level for which he is applying, he may then apply for a  
11 lower level of licensure. A current teacher shall not  
12 receive less than the salary he received for the contract in  
13 effect on the effective date of this section."

14 Section 22. A new section of the School Personnel Act  
15 is enacted to read:

16 "[NEW MATERIAL] INSTRUCTIONAL SUPPORT PROVIDER  
17 LICENSES. --

18 A. The department shall license instructional  
19 support providers, including educational assistants,  
20 librarians, school counselors, school social workers, school  
21 nurses, speech-language pathologists, psychologists,  
22 physical therapists, physical therapy assistants,  
23 occupational therapists, occupational therapy assistants,  
24 recreational therapists, interpreters for the deaf,  
25 diagnosticians and other service providers. The department

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1 may provide a professional licensing framework in which  
2 licensees can advance in their careers through the  
3 demonstration of increased competencies and the undertaking  
4 of increased duties.

5 B. The state board shall provide by rule for the  
6 requirements for licensure of types of instructional support  
7 providers. If an instructional support provider practices a  
8 licensed profession, he shall provide evidence satisfactory  
9 to the department that he holds a current, unsuspended  
10 license in the profession in which he is applying to provide  
11 instructional support services. The instructional support  
12 provider shall notify the school district immediately if his  
13 license is suspended, revoked or denied. "

14 Section 23. A new section of the School Personnel Act  
15 is enacted to read:

16 "[NEW MATERIAL] COLLECTIVE BARGAINING--MANAGERIAL  
17 POLICY.--Subject to state law relative to collective  
18 bargaining, employers, employees and employee organizations  
19 shall not bargain over matters of inherent managerial  
20 policy, which is at the discretion of the local  
21 superintendent. For the purposes of this section, "inherent  
22 managerial policy" includes such areas of discretion or  
23 policy as curriculum standards, student assessments, the  
24 functions and programs of the school district, standards of  
25 services, overall budget, use of technology, organizational

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1 structure and selection and direction of personnel. "

2 Section 24. A new section of the School Personnel Act  
3 is enacted to read:

4 "[NEW MATERIAL] PROFESSIONAL DEVELOPMENT. --

5 A. Every public school shall develop and submit  
6 to the local superintendent for his approval a biennial  
7 professional development plan for its teachers and school  
8 administrators. Initial school district professional  
9 development plans shall be submitted to the department by  
10 the local superintendent by January 1, 2002; subsequent  
11 professional development plans shall be submitted to the  
12 department at least six months prior to the expiration of  
13 current professional development plans. The department  
14 shall establish the form in which the professional  
15 development plan shall be submitted for review.

16 B. A school district shall establish a school  
17 district "professional development committee". The  
18 committee shall consist of teachers and school  
19 administrators appointed by the local superintendent.

20 C. The committee shall:

21 (1) develop, prepare and recommend to the  
22 local superintendent a professional development plan;

23 (2) assist the local superintendent in  
24 monitoring and assessing the professional development plan's  
25 effectiveness in meeting objectives and attaining

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1 educational goals; and

2 (3) recommend modifications to the  
3 professional development plan.

4 D. A professional development plan shall be  
5 designed to meet the educational needs and goals of a public  
6 school, its teachers, school administrators and students and  
7 facilitate the role of teachers and school administrators in  
8 the achievement of the fundamental educational goals for  
9 students. The professional development plan shall promote  
10 professional enrichment through observation, collaboration,  
11 curriculum review, practice and reflection. The components  
12 of a professional development plan shall promote contextual,  
13 procedural and content-based development that includes the  
14 alignment of staff development with educational goals, meet  
15 the educational needs of students based on available student  
16 assessments and other data, provide for an appropriate core  
17 curriculum and provide for the participation of parents and  
18 family in the educational process.

19 E. A professional development plan shall include  
20 options for professional development through learning  
21 programs, including curriculum development work and other  
22 program design and delivery activities, participation in  
23 professional conferences and workshops and supervised  
24 classroom observations and critiques of, or consultations  
25 with, other professional employees. Each option shall

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1 promote the achievement of the objectives of the plan, meet  
2 specific professional development needs and be directly  
3 related to areas of assignment. The school principal of  
4 each public school, subject to the review of the local  
5 superintendent, shall have the authority to determine what  
6 professional development activities are directly related to  
7 a school-based assignment. The local superintendent shall  
8 have the same authority with regard to non-school-based  
9 personnel.

10 F. All learning programs shall be approved by  
11 the department. The department shall not approve a learning  
12 program unless it is offered by an approved provider,  
13 identifies the individual courses or series of courses to be  
14 offered, designates the area or type of certification to  
15 which the learning program is relevant and expires within a  
16 reasonable period of time determined by the department. The  
17 department shall approve learning programs in a manner and  
18 number sufficient to provide ample and convenient  
19 opportunity to all teachers and school administrators to  
20 meet the requirements of this section at a reasonable cost.  
21 A public school shall not charge its teachers and school  
22 administrators for learning programs that the public school  
23 offers, but it may charge other teachers and school  
24 administrators who attend.

25 G. Teachers and school administrators shall



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1 complete one hundred eighty-six hours of continuing  
2 education related to an area of assignment within five years  
3 of the effective date of this section or the license renewal  
4 date of the teachers and school administrators, whichever is  
5 later, and every five years thereafter. The department  
6 shall require all teachers and school administrators to  
7 submit proof of fulfillment of the continuing education  
8 requirements. The license of a teacher or school  
9 administrator who fails to comply with the requirements of  
10 this subsection shall be suspended until the teacher or  
11 school administrator complies. Teachers and school  
12 administrators shall not be assigned outside their area of  
13 licensure. A school district shall not employ a teacher or  
14 school administrator who has not complied with this section.  
15 A school district is not required to compensate a teacher or  
16 school administrator for professional development under this  
17 section.

18 H. The department shall provide written notice  
19 to a teacher or school administrator whose license is  
20 suspended for failure to meet the continuing education  
21 requirements. A copy of the notification shall be sent to  
22 the local superintendent.

23 I. The department shall immediately reinstate  
24 the suspended license of a teacher or school administrator  
25 upon proof of completion of continuing education

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1 requirements and give written notice of reinstatement to the  
2 teacher or school administrator and the local  
3 superintendent.

4 J. The department shall administer and enforce  
5 continuing education requirements, including:

6 (1) designating approved providers;

7 (2) developing and implementing procedures  
8 for reporting successful completion of learning programs by  
9 teachers and school administrators; and

10 (3) maintaining a central database for  
11 tracking the compliance of teachers and school  
12 administrators and notifying school districts, teachers and  
13 school administrators about the continuing education status  
14 of teachers and school administrators.

15 K. At least twice during the compliance period  
16 and no later than twelve months prior to the end of a  
17 compliance period, the department shall provide to teachers  
18 and school administrators written notice of compliance or  
19 noncompliance and the number of hours or credits completed  
20 and needed for compliance.

21 L. The department shall submit an annual report  
22 to the legislature on the continuing education program,  
23 including the locations in which learning programs were  
24 offered; the number of participants in each offering; the  
25 cost to the department associated with the continuing

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1 education program; a list of approved providers; the number,  
2 identification and status of professional development plans;  
3 the number of teachers and school administrators in each  
4 compliance period who have met the continuing education  
5 requirement; and the number of teachers and school  
6 administrators in each compliance period who have not met  
7 the continuing education requirement.

8 M The state board may provide by rule for the  
9 granting of extensions of time for a teacher or school  
10 administrator to comply with the professional development  
11 requirements of this section for extenuating circumstances. "

12 Section 25. A new section of the School Personnel Act  
13 is enacted to read:

14 "[NEW MATERIAL] DISTINGUISHED EDUCATORS CORPS. --

15 A. The department shall establish a program to  
16 recognize outstanding and uniquely qualified teachers and  
17 school administrators as "distinguished educators" and  
18 organize them into a "distinguished educators corps" that is  
19 available to assist teachers, school administrators and  
20 public schools throughout the state. The distinguished  
21 educators corps shall share its educational talents, skills,  
22 experience, expertise, methodologies, techniques and  
23 programs to help school districts improve the quality of  
24 education.

25 B. The distinguished educators corps shall serve

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1 as teaching ambassadors to promote the honorable stature and  
2 importance of the teaching profession, assist the department  
3 with research projects and staff development efforts and  
4 accept special assignments to assist schools in need of  
5 improvement and educationally distressed schools.

6 C. Within ninety days of the effective date of  
7 this section, the department shall organize a "distinguished  
8 educators advisory committee". The committee shall include  
9 teachers, school administrators, parents, department staff,  
10 representatives of institutions of higher education and  
11 their faculties, professional education associations, school  
12 boards and community groups. The state superintendent or  
13 his designee shall serve as chairman of the committee.

14 D. Members of the distinguished educators  
15 advisory committee may receive per diem and mileage as  
16 provided in the Per Diem and Mileage Act, but shall receive  
17 no other compensation, perquisite or allowance.

18 E. The distinguished educators advisory  
19 committee shall assist the department in the implementation  
20 and administration of the distinguished educators corps,  
21 including reviewing applications and credentials of  
22 candidates and recommendations for the selection of  
23 distinguished educators.

24 F. The state board shall promulgate rules that  
25 provide standards and criteria for the selection of

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1 distinguished educators, including:

2 (1) the application process, which shall  
3 allow self-nomination; and

4 (2) the selection process, which shall be  
5 structured in a manner that provides representation of a  
6 broad spectrum of instructional and administrative positions  
7 and generates statewide interest and representation.

8 G. Distinguished educator candidates shall:

9 (1) have been actively engaged in teaching  
10 or school administration for ten years immediately preceding  
11 the date of application;

12 (2) have knowledge and skills relating to  
13 school leadership and management, including school laws and  
14 rules, personnel practices, budget planning and management,  
15 organization and planning, data analysis, problem solving,  
16 collaboration and team building, cultural diversity,  
17 initiative and innovation; content and performance  
18 standards, benchmarks and assessments; and curriculum  
19 development and instruction, including current educational  
20 practices, curriculum alignment, multiple instructional  
21 methodologies, instructional technology and written and oral  
22 communications; and

23 (3) possess integrity, a commitment to the  
24 belief that every child can learn, flexibility, sound  
25 judgment, high expectations of achievement and a strong

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1 sense of purpose.

2 H. Candidates shall agree to participate in  
3 required training and accept special assignments from the  
4 department to schools in need of improvement or  
5 educationally distressed schools.

6 I. Annually on or before May 31, the department  
7 shall select up to one hundred teachers and school  
8 administrators to participate in the distinguished educator  
9 corps. Following satisfactory completion of the training  
10 program, a participant shall be named a distinguished  
11 educator, awarded a special certificate of achievement,  
12 accorded special statewide recognition and honors deemed  
13 appropriate by the department and given a five hundred  
14 dollar (\$500) monetary award by the department.

15 J. The department shall provide an intensive and  
16 comprehensive training program during the months of June,  
17 July and August for teachers and school administrators  
18 selected to participate in the distinguished educators  
19 corps. Teachers and school administrators must attend the  
20 training program before being named a distinguished educator  
21 and being admitted to the distinguished educators corps.  
22 Additional training may be required by the department from  
23 time to time to ensure the continued competency of  
24 distinguished educators. The department shall not charge  
25 teachers and school administrators for required training.

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1 The training program shall include instruction relating to  
2 school management, leadership, methods of personnel  
3 evaluation, school organization, school curriculum and  
4 assessment techniques and methodologies.

5 K. A distinguished educator shall accept  
6 assignments from the department to schools in need of  
7 improvement and educationally distressed schools. The  
8 length of an assignment shall be determined by the  
9 distinguished educator and the department after consultation  
10 with the school to which the distinguished educator will be  
11 assigned. An assignment may extend beyond a school year  
12 upon mutual agreement between the distinguished educator and  
13 the department if more time is needed to achieve the  
14 purposes of the assignment. A distinguished educator shall  
15 not be required to accept an assignment more than once  
16 within two consecutive years.

17 L. A distinguished educator assigned to a school  
18 shall report to and cooperate with the local superintendent.  
19 The distinguished educator may assist the school improvement  
20 support team, school principal and school employees with the  
21 development and implementation of a school improvement plan;  
22 evaluate and rate teachers and their effectiveness;  
23 recommend staff adjustments to the local superintendent;  
24 advise the school partnership council; and advise the state  
25 superintendent on the reconstitution of an educationally

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1 distressed school. A distinguished educator shall not be  
2 assigned to a public school or school district from which a  
3 special leave was granted.

4 M Upon request, a school district shall grant a  
5 six-month special leave to a distinguished educator to serve  
6 in a school in need of improvement or an educationally  
7 distressed school. A school district shall extend the  
8 special leave beyond six months if the department and the  
9 distinguished educator have determined that the assignment  
10 will take longer to complete. The distinguished educator  
11 shall continue to be an employee of the school district from  
12 which he has taken special leave.

13 N. During a special leave, the department shall  
14 pay the distinguished educator's regular salary, including  
15 employee benefits, a salary supplement equal to fifty  
16 percent of his regular salary, which shall be prorated  
17 according to the length of the assignment. Per diem and  
18 mileage expenses may be reimbursed by the department as  
19 provided by rule of the state board. The school district  
20 that employs the distinguished educator shall pay the costs  
21 associated with temporarily filling the vacancy created by  
22 special leave of the distinguished educator. "

23 Section 26. A new section of the Public School Code  
24 is enacted to read:

25 "[NEW MATERIAL] SHORT TITLE.--Sections 26 through 30 of

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1 this act may be cited as the "Family and Youth Resource  
2 Act". "

3 Section 27. A new section of the Public School Code is  
4 enacted to read:

5 "[NEW MATERIAL] DEFINITIONS. -- As used in the Family and  
6 Youth Resource Act:

7 A. "center" means the family and youth resource  
8 center; and

9 B. "program" means the family and youth resource  
10 program "

11 Section 28. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] ADVISORY COMMITTEE- - MEMBERS- - MEETINGS- -  
14 DUTIES. --

15 A. The "family and youth resource advisory  
16 committee" is created. Members of the committee are:

- 17 (1) the state superintendent;  
18 (2) the secretary of health;  
19 (3) the secretary of human services;  
20 (4) the secretary of children, youth and  
21 families;  
22 (5) the secretary of labor;  
23 (6) a children's court judge, appointed by  
24 the chief justice of the supreme court; and  
25 (7) the following members appointed by the

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1 state board:

2 (a) one parent of a public elementary  
3 school student enrolled in a school eligible to be serviced  
4 by a center;

5 (b) one parent of a public high school  
6 student enrolled in a school eligible to be serviced by a  
7 center;

8 (c) one public elementary, middle or  
9 junior high school teacher assigned to a school eligible to  
10 be serviced by a center;

11 (d) one public high school teacher  
12 assigned to a school eligible to be serviced by a center;

13 (e) one local superintendent;

14 (f) one local school board member; and

15 (g) one representative each from four  
16 different local community-based organizations involved with  
17 the provision of services to family and youth resource  
18 centers.

19 B. The members of the committee shall appoint  
20 the chairman and such other officers as they deem necessary.

21 C. The committee shall meet as frequently as it  
22 deems appropriate or necessary, but at least once each  
23 quarter. The chairman may call special meetings as he deems  
24 necessary and shall convene special meetings at the request  
25 of a majority of the members.

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1           D. A majority of the committee constitutes a  
2 quorum.

3           E. Members who are not state officers may be  
4 reimbursed for per diem and mileage expenses as provided in  
5 the Per Diem and Mileage Act.

6           F. The department shall staff the committee.

7           G. The committee shall:

8                   (1) recommend to the department guidelines  
9 for the creation, implementation and operation of programs  
10 and centers;

11                   (2) recommend to the department standards  
12 and criteria for awarding grants and the form and content of  
13 grant applications; and

14                   (3) review applications for grants and  
15 report the result of its review and make recommendations to  
16 the department within ninety days of receipt of a grant  
17 application. "

18           Section 29. A new section of the Public School Code is  
19 enacted to read:

20                   " [NEW MATERIAL] PROGRAMS AND CENTERS--PURPOSE--  
21 FUNCTIONS. --

22                   A. The purpose of a "family and youth resource  
23 program" is to create an intermediary through which children  
24 and their families at public schools may access social and  
25 health care services through the coordination and

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1 integration of services among public and private service  
2 agencies, community groups and organizations. The goal of  
3 the program is to forge mutual long-term relationships with  
4 public and private agencies and community-based  
5 organizations to help students attain high academic  
6 achievement by meeting certain nonacademic needs of  
7 students.

8 B. Each participating public school shall  
9 identify, accommodate and promote the greatest degree of  
10 availability, coordination, integration and use of social  
11 and health services, associated resources and ancillary  
12 resources. A program shall contain the following elements:

- 13 (1) a full-time nurse, a resource  
14 coordinator and a counselor;
- 15 (2) referrals to health care and social  
16 service providers and agencies;
- 17 (3) monitoring of the needs and use of  
18 health care and social service providers and agencies;
- 19 (4) support for existing family support and  
20 parent education programs and an expansion of their  
21 availability, use and scope;
- 22 (5) information updates concerning service  
23 and program availability, location and frequency;
- 24 (6) promotion of services and programs that  
25 are underutilized;

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1 (7) recruitment of service providers and  
2 agencies to provide services that are not available;

3 (8) collaboration and coordination of  
4 services with public and nonprofit health and social service  
5 agencies through school-based or other operations;

6 (9) provision of advice, consultation,  
7 training and resource information to school staff about  
8 available health and social service programs;

9 (10) establishment of partnerships between  
10 the school and community organizations such as local civic  
11 organizations; girls and boys clubs; girl and boy scouts;  
12 business and professional groups; settlement houses;  
13 environmental groups; and neighborhood civic, cleanup and  
14 crime fighting groups; and

15 (11) identification and coordination of  
16 age-appropriate resources for students for:

17 (a) counseling, training and placement  
18 for full-time employment and summer and part-time  
19 employment;

20 (b) drug and alcohol abuse counseling;

21 (c) family crisis counseling; and

22 (d) mental health counseling. "

23 Section 30. A new section of the Public School Code is  
24 enacted to read:

25 "[NEW MATERIAL] FAMILY AND YOUTH RESOURCE PROGRAMS--

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1       CENTERS-- GRANTS-- DEPARTMENT DUTIES. --

2                   A.   Grants are available to a public school or  
3 group of public schools in which at least forty percent of  
4 the students, in the aggregate, are eligible for free or  
5 reduced-cost school meals.

6                   B.   The department shall develop and distribute  
7 application packets to public schools that want to apply for  
8 family and youth resource grants.

9                   C.   A public school may submit a grant  
10 application to create a program. The program may consist of  
11 a center at the public school or at one of a group of public  
12 schools. The application shall include a school district  
13 coordinating office.

14                   D.   Applications shall include:

15                           (1) a statement of need, including  
16 demographic and socioeconomic information about the area to  
17 be served by the program;

18                           (2) goals and expected outcomes of the  
19 program;

20                           (3) services and activities to be provided  
21 by the program and the center;

22                           (4) written agreements for the provision of  
23 services by public and private agencies, community groups  
24 and other parties;

25                           (5) a workplan and budget for the program,

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1 including staffing requirements and the expected  
2 availability of staff;

3 (6) hours of operation of the center;

4 (7) strategies for dissemination of  
5 information about the program to potential users;

6 (8) training and professional development  
7 plans;

8 (9) plans to ensure that program  
9 participants are not stigmatized for their use of the  
10 center;

11 (10) a physical description of the center,  
12 its location and proximity to the public schools it will  
13 serve;

14 (11) letters of endorsement and commitment  
15 from community agencies and organizations and local  
16 governments; and

17 (12) any other information the department  
18 requires.

19 E. Grants shall be awarded based on application  
20 and availability of funding. "

21 Section 31. A new section of the Public School Code is  
22 enacted to read:

23 "[NEW MATERIAL] SHORT TITLE. -- Sections 31 through 34 of  
24 this act may be cited as the "School and Business  
25 Partnership Act". "

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1 Section 32. A new section of the Public School Code is  
2 enacted to read:

3 "[NEW MATERIAL] DEFINITIONS. -- As used in the School and  
4 Business Partnership Act:

5 A. "center" means the school and business  
6 partnership center;

7 B. "committee" means the school and business  
8 partnership advisory committee; and

9 C. "program" means the school and business  
10 partnership program. "

11 Section 33. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] ADVISORY COMMITTEE-- CREATED--  
14 MEMBERSHIP. --

15 A. The "school and business partnership advisory  
16 committee" is created. The state board shall appoint the  
17 following members:

18 (1) the state superintendent;

19 (2) the secretary of labor;

20 (3) one parent of a public elementary,  
21 middle or junior high school student;

22 (4) one parent of a public high school  
23 student;

24 (5) one public elementary, middle or junior  
25 high school teacher;

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- 1 (6) one public high school teacher;
- 2 (7) one local superintendent;
- 3 (8) one local board member;
- 4 (9) one representative each from seven
- 5 industry clusters in the state;

6 (10) one business member at large; and

7 (11) the chairman of the state workforce  
8 development board.

9 B. The members of the committee shall appoint  
10 the chairman and such other officers as they deem necessary.

11 C. The committee shall meet as frequently as it  
12 deems appropriate or necessary, but at least once each  
13 quarter. The chairman may call special meetings as he deems  
14 necessary and shall convene special meetings at the request  
15 of a majority of the members.

16 D. A majority of the committee constitutes a  
17 quorum.

18 E. Members who are not state officers may be  
19 reimbursed for per diem and mileage expenses as provided in  
20 the Per Diem and Mileage Act.

21 F. The department shall staff the committee.

22 G. The committee shall develop and recommend to  
23 the department guidelines for the creation, implementation,  
24 operation and funding of centers. "

25 Section 34. A new section of the Public School Code is

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1 enacted to read:

2 "[NEW MATERIAL] SCHOOL AND BUSINESS PARTNERSHIP  
3 PROGRAMS--CENTERS--PURPOSES.--

4 A. Each school district shall develop and  
5 implement a "school and business partnership program", and  
6 may enter into joint powers agreements with other school  
7 districts in the area to create a "school and business  
8 partnership center".

9 B. The purpose of a program is to connect  
10 students and schools to business resources and opportunities  
11 linked to school academic programs. The goals are to forge  
12 mutual long-term relationships between schools and business  
13 organizations to help students attain high academic  
14 achievement and to meet the nonacademic needs of students.

15 C. A program shall identify, accommodate and  
16 promote the greatest degree of availability, coordination,  
17 integration and use of business services, associated  
18 resources and ancillary resources. Every program and center  
19 shall develop and implement programs containing the  
20 following elements:

21 (1) information about program availability,  
22 location and frequency;

23 (2) monitoring of student needs;

24 (3) recruitment of business providers and  
25 organizations to provide services;

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1 (4) collaboration and coordination of  
2 services with the business community and business  
3 organizations to provide mentorships and job opportunities  
4 aligned to academics;

5 (5) provision of advice, consultation,  
6 training and resource information to school staff about  
7 available business connections;

8 (6) establishment of partnerships between  
9 the school and businesses and business organizations;

10 (7) identification and coordination of age-  
11 appropriate resources for students for counseling, training  
12 and placement for full-time employment and summer and part-  
13 time employment; mentorships and job shadowing; and

14 (8) identification and coordination of  
15 resources for business training or engagement of students,  
16 access to public schools and support to establish  
17 relationships with public schools. "

18 Section 35. Section 22-13A-2 NMSA 1978 (being Laws  
19 1989, Chapter 137, Section 2, as amended) is repealed and a  
20 new Section 22-13A-2 NMSA 1978 is enacted to read:

21 "22-13A-2. [NEW MATERIAL] PURPOSE. --The purpose of the  
22 Incentives for School Improvement Act is to establish  
23 accountability and provide performance incentives and  
24 assistance to public schools. "

25 Section 36. Section 22-13A-3 NMSA 1978 (being Laws

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1 1989, Chapter 137, Section 3) is repealed and a new Section  
2 22-13A-3 NMSA 1978 is enacted to read:

3 "22-13A-3. [NEW MATERIAL] DEFINITIONS. --As used in the  
4 Incentives for School Improvement Act:

5 A. "accountability cycle" means the two-year  
6 period for which academic performance is measured at all  
7 public schools in the state;

8 B. "improvement fund" means the school  
9 improvement fund;

10 C. "performance index" means measurements of  
11 student achievement demonstrated by the results of student  
12 assessments and tests, including performance in the core  
13 academic disciplines of language arts, mathematics and  
14 science; graduation and promotion rates; and student and  
15 staff attendance records;

16 D. "performance review" means the process of  
17 assessment and evaluation administered by the department;

18 E. "performance target" means the biennial level  
19 of student achievement required of each public school;

20 F. "program" means the incentives for school  
21 improvement program;

22 G. "school staff" means full- and part-time  
23 classroom teachers, instructional support staff, school  
24 administrators and nonlicensed staff, including permanent,  
25 temporary and itinerant staff assigned to a public school

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1 for fifty percent of their workday, not including substitute  
2 teachers; and

3 H. "team" means a school improvement support  
4 team."

5 Section 37. Section 22-13A-4 NMSA 1978 (being Laws  
6 1989, Chapter 137, Section 4, as amended) is repealed and a  
7 new Section 22-13A-4 NMSA 1978 is enacted to read:

8 "22-13A-4. [NEW MATERIAL] PROGRAM CREATED--  
9 ADMINISTRATION.--The "incentives for school improvement  
10 program" is created in the department. No later than July  
11 1, 2003, the department shall promulgate rules consistent  
12 with the requirements of the Incentives for School  
13 Improvement Act for assessing the progress or decline of  
14 public schools in attaining the goals and meeting the  
15 standards set forth in Section 22-2-8 NMSA 1978 as measured  
16 by a performance index. The rules shall provide a system  
17 for determining eligibility for incentive awards to public  
18 schools that exceed performance standards and the  
19 implementation of assistance programs for public schools  
20 that do not meet performance standards."

21 Section 38. Section 22-13A-5 NMSA 1978 (being Laws  
22 1989, Chapter 137, Section 5, as amended) is repealed and a  
23 new Section 22-13A-5 is enacted to read:

24 "22-13A-5. [NEW MATERIAL] PROGRAM IMPLEMENTATION AND  
25 MEASUREMENT.--

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1           A. The state board shall develop a formula by  
2 which to measure public school achievement in the areas of  
3 academic performance, subject to goals and standards  
4 recommended by the council on school performance standards  
5 and assessments recommended by the council on school  
6 assessments. The product of the formula shall take the form  
7 of a composite rating assigned to each public school in a  
8 school district.

9           B. Academic performance shall be measured by:  
10                 (1) nationally standardized test scores;  
11                 (2) the success or decline of public school  
12 performance as determined by factors that reflect the goals  
13 and standards described in Section 22-2-8 NMSA 1978; and  
14                 (3) graduation competency test scores.

15           C. Academic performance shall measure the  
16 performance of all students except those who are severely or  
17 profoundly disabled; provided, however, that all students  
18 other than severely or profoundly disabled students shall be  
19 included in a public school's performance target.

20           D. The optimum success rate shall be achieved  
21 when ninety-five percent of the student body of a public  
22 school achieves or exceeds standards set by the state board.

23           E. The department shall assess a new composite  
24 rating for each public school annually. The department  
25 shall compare the new rating to the previous annual rating.

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1 Performance targets shall be set, and performance shall be  
2 measured according to the increase in the proportion of  
3 satisfactorily performing students and the corresponding  
4 decrease in the proportion of lowest performing students. A  
5 performance target shall be set in a manner that provides  
6 for a lesser expectation of advancement as a public school  
7 approaches the optimum success rate of ninety-five percent  
8 of its student body.

9 F. All public schools shall be required to  
10 attain the optimum success rate of ninety-five percent  
11 within twelve years from the effective date of this act. "

12 Section 39. A new section of the Incentives for School  
13 Improvement Act is enacted to read:

14 "[NEW MATERIAL] DISTINGUISHED ACHIEVEMENT SCHOOLS--  
15 OTHER SCHOOLS RECOGNIZED. --

16 A. A public school shall be designated as a  
17 "distinguished achievement school" and given a distinguished  
18 achievement reward if it exceeds its performance target for  
19 an accountability cycle by one percent of the optimum  
20 success rate.

21 B. A distinguished achievement reward may be  
22 expended for school resources or may be provided as a reward  
23 to school staff. The school partnership council shall  
24 determine how the reward shall be expended. If the council  
25 determines that the reward should be given to school staff,

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1 the reward shall be awarded to all school staff as provided  
2 in Subsection C of this section. A reward provided to  
3 school staff shall not increase base salaries.

4 C. The distinguished achievement reward shall be  
5 equal to five thousand dollars (\$5,000) for each licensed  
6 school employee and one thousand dollars (\$1,000) for each  
7 nonlicensed school employee assigned to the public school  
8 for at least the last four months of the school term of the  
9 accountability cycle. The reward calculation for part-time  
10 and itinerant school staff shall be proportionate to the  
11 amount of time actually spent in the public school.

12 D. A public school that achieves, but does not  
13 exceed by more than one percent, its performance target for  
14 the accountability cycle shall be accorded public  
15 recognition by a school district and the department. A  
16 recognition program may include certificates of achievement,  
17 school staff and public school celebrations, media events  
18 and the distribution of achievement recognition  
19 memorabilia. "

20 Section 40. A new section of the Incentives for School  
21 Improvement Act is enacted to read:

22 "[NEW MATERIAL] SCHOOLS IN NEED OF IMPROVEMENT. --

23 A. A public school shall be designated as a  
24 "school in need of improvement" if it does not attain its  
25 performance target for the accountability cycle. The local

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1 superintendent shall assign a "school improvement support  
2 team" to that school. The team shall provide advice,  
3 consultation and recommendations to the school principal,  
4 school partnership council and school staff on matters  
5 relating to the instructional and noninstructional operation  
6 and programs of the public school and the improvement of  
7 student achievement and school performance. The appointment  
8 composition and specific duties of the team shall be  
9 determined by the local superintendent.

10 B. The local superintendent may request  
11 assignment by the department of one or more distinguished  
12 educators to a school in need of improvement.

13 C. A school in need of improvement shall develop  
14 a school improvement plan for the next school term. The  
15 plan shall be submitted to the local superintendent for  
16 approval prior to implementation. A school in need of  
17 improvement may apply for a grant from the improvement fund  
18 to implement the school improvement plan. "

19 Section 41. A new section of the Incentives for School  
20 Improvement Act is enacted to read:

21 "[NEW MATERIAL] EDUCATIONALLY DISTRESSED SCHOOLS. --

22 A. A school shall be designated an  
23 "educationally distressed school" if it does not attain its  
24 performance target for two consecutive accountability  
25 cycles.

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B. The department shall develop a plan for dissolving the educationally distressed school and reconstituting it by revising its instructional, noninstructional, administrative and budgetary operations.

The plan may include the following provisions:

(1) abolishment or replacement of the local school board if twenty percent or more of the public schools in the school district have been designated as educationally distressed schools;

(2) abolishment of the school partnership council or replacement of its members;

(3) assignment, transfer, retention, dismissal and hiring of school staff;

(4) transfer and reassignment of students;

(5) changes in curricula and instructional practices;

(6) changes in student discipline policies;

(7) additions or changes in student support services;

(8) reallocation of resources;

(9) professional development requirements;

and

(10) any other changes deemed necessary by the department after consultation with the distinguished educator corps.

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1 C. A school may be eligible for a grant from the  
2 improvement fund to develop and implement a school  
3 improvement plan.

4 D. One or more distinguished educators shall be  
5 assigned to an educationally distressed school. "

6 Section 42. A new section of the Incentives for School  
7 Improvement Act is enacted to read:

8 "[NEW MATERIAL] SCHOOL DISTRICT PROGRAM --

9 A. A school district may supplement the program  
10 by creating, implementing and administering a performance  
11 incentive and assistance program for the allocation of  
12 school district funds and resources. Rewards or assistance  
13 received from the distinguished schools fund or the  
14 improvement fund shall not be used by the school district to  
15 fund its program.

16 B. The school district's supplementary program  
17 shall meet or exceed the requirements of the program. The  
18 provision of a supplementary program by a school district  
19 does not disqualify a public school or otherwise affect its  
20 eligibility to receive grants from the those funds. "

21 Section 43. A new section of the Incentives for School  
22 Improvement Act is enacted to read:

23 "[NEW MATERIAL] TEACHERS OF MERIT. --A teacher in a  
24 public school other than a distinguished achievement school  
25 whose students exceed the public school's performance target

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1 by more than one percent in the accountability cycle shall  
2 be designated as a "teacher of merit" and shall be eligible  
3 for a merit reward of two thousand dollars (\$2,000). A  
4 teacher may be designated as a teacher of merit even though  
5 the public school is classified as a school in need of  
6 improvement or an educationally distressed school."

7 Section 44. Section 22-13A-6 NMSA 1978 (being Laws  
8 1989, Chapter 137, Section 6, as amended) is repealed and a  
9 new Section 22-13A-6 NMSA 1978 is enacted to read:

10 "22-13A-6. [NEW MATERIAL] SCHOOL IMPROVEMENT FUND. --

11 A. The "school improvement fund" is created in  
12 the state treasury. The fund shall consist of  
13 appropriations, federal allocations for the purposes of the  
14 fund, earnings from investment of the fund and any gifts,  
15 grants, donations or bequests to the fund. Money in the  
16 fund shall not revert to any other fund at the end of a  
17 fiscal year. The department shall administer the fund, and  
18 money in the fund is appropriated to the department to carry  
19 out the purposes of the fund. Money in the fund shall be  
20 used exclusively to provide grants to schools in need of  
21 improvement, educationally distressed schools or school  
22 districts in which twenty percent or more of their public  
23 schools are designated as in need of improvement or  
24 educationally distressed.

25 B. The state board shall adopt and promulgate

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1 rules governing criteria, standards and procedures for  
2 making grants, including amounts, priorities and financial  
3 and programmatic accounting for grants.

4 C. Applications for grants shall be in the form  
5 and include the information required by the department. The  
6 department shall assist applicants in the preparation of  
7 applications.

8 D. Grants shall not supplant any other funding  
9 source available to the school district or public school."

10 Section 45. A new section of the Incentives for School  
11 Improvement Act is enacted to read:

12 "[NEW MATERIAL] DISTINGUISHED SCHOOLS FUND. --

13 A. The "distinguished schools fund" is created  
14 in the state treasury. The fund shall consist of  
15 appropriations, federal allocations for the purposes of the  
16 fund, earnings from investment of the fund and any gifts,  
17 grants, donations or bequests to the fund. Money in the  
18 fund shall not revert to any other fund at the end of a  
19 fiscal year. The department shall administer the fund, and  
20 money in the fund is appropriated to the department to carry  
21 out the purposes of the fund. Money in the fund shall be  
22 used to reward public schools that have been designated as  
23 distinguished achievement schools and teachers of merit in  
24 other schools.

25 B. The state board shall adopt and promulgate

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1 rules governing criteria, standards and procedures for  
2 expenditures from the distinguished schools fund, including  
3 amounts, priorities and financial and programmatic  
4 accounting for rewards.

5 C. Distinguished achievement rewards shall not  
6 supplant any other funding source available to the school  
7 district or public school. "

8 Section 46. A new section of the Public School Code is  
9 enacted to read:

10 "[NEW MATERIAL] PRE-KINDERGARTEN EDUCATION COUNCIL--  
11 CREATED-- DUTIES. --

12 A. The "pre-kindergarten education council" is  
13 created. The council shall serve as an advisory group to  
14 the department to develop a specific plan for a voluntary  
15 pre-kindergarten education program.

16 B. The state board shall appoint seven members  
17 who are acknowledged leaders in the field of pre-  
18 kindergarten education. The state board shall appoint the  
19 chairman of the pre-kindergarten education council, and the  
20 council may appoint other officers as it deems necessary.  
21 Of the initial members, three shall be appointed for terms  
22 of three years and four shall be appointed for terms of four  
23 years; thereafter, terms shall be for four years. Members  
24 may be reappointed to the council. Members may be  
25 reimbursed per diem and mileage expenses as provided in the

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1 Per Diem and Mileage Act.

2 C. The pre-kindergarten education council shall:

3 (1) develop a five-year plan for the  
4 efficient and equitable establishment of a voluntary pre-  
5 kindergarten education program. The plan shall focus on the  
6 educational needs of three- and four-year-old children as  
7 they relate to the state's educational outcome goals and  
8 standards;

9 (2) working with private enterprise to  
10 encourage the development of pre-kindergarten opportunities  
11 specifically designed to answer New Mexico's educational  
12 needs;

13 (3) encourage an environment receptive to  
14 pre-kindergarten education throughout the state;

15 (4) recommend a plan to identify which  
16 children should qualify for assistance to participate in  
17 pre-kindergarten education programs;

18 (5) develop a funding mechanism and  
19 delivery system for those children eligible for assistance;  
20 and

21 (6) establish standards for public and  
22 private schools desiring to qualify for state funds. "

23 Section 47. TEMPORARY PROVISION-- COUNCIL ON SCHOOL  
24 PERFORMANCE STANDARDS. --

25 A. The "council on school performance standards"

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1 is created as a one-year body to develop school performance  
2 standards for New Mexico. The governor shall appoint seven  
3 members who are acknowledged leaders in the field of  
4 education standards. The governor shall appoint the  
5 chairman of the council, and the council may appoint other  
6 officers it deems necessary. Appointments shall be for one  
7 year. Members of the council may receive per diem and  
8 mileage as provided in the Per Diem and Mileage Act, but  
9 shall receive no other compensation, perquisite or  
10 allowance.

11 B. Staff for the council on school performance  
12 standards shall be provided by the state department of  
13 public education.

14 C. The council on school performance standards  
15 shall make periodic progress reports and a final report  
16 within one year of the effective date of this act to the  
17 state board of education, the governor and the legislature.

18 D. The state board of education may propose  
19 changes to the recommendations of the council on school  
20 performance standards, but cannot implement changes without  
21 the concurrence of the council. If the board refuses to  
22 adopt goals and standards recommended by the council, the  
23 board shall issue a report specifying why the goals and  
24 standards were not adopted.

25 E. The education goals and standards shall



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1 address:

2 (1) the state's fundamental goal, which is  
3 to provide for an educational policy, program and curriculum  
4 that sets standards for and requires students to attain high  
5 levels of achievement in academic content and life  
6 experiences;

7 (2) the state's general goals, which are to  
8 develop an educational policy, program and curriculum that  
9 encourages all students to acquire the capacity to  
10 successfully use the following skills or achieve the  
11 following results and provide them with the necessary  
12 opportunities and tools to meet these expectations:

13 (a) the communication skills necessary  
14 to function in a complex and changing civilization;

15 (b) the knowledge necessary to make  
16 economic, social and political choices;

17 (c) an understanding of governmental  
18 processes as they affect the community, state, nation and  
19 world;

20 (d) sufficient knowledge to practice a  
21 lifestyle that results in mental and physical wellness;

22 (e) an understanding of the arts and  
23 an appreciation of global, United States and New Mexico  
24 cultural and historical heritage;

25 (f) an informed and intelligent choice

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1 and pursuit of life's work;

2 (g) competitive educational and work  
3 skills; and

4 (h) knowledge and performance of  
5 clearly stated standards of what students should know and be  
6 able to do and how well they should know and do them;

7 (3) core academic achievement, which  
8 requires every student to develop competency in specified  
9 academic disciplines so they can successfully resolve issues  
10 and problems that may be encountered throughout their daily  
11 lives. Academic standards shall be based on both national  
12 standards and world-class standards benchmarked against  
13 those countries the state competes with globally in the  
14 following areas:

15 (a) language arts, including  
16 specifically reading, composition, grammar, spelling,  
17 speech, literature, listening comprehension and use of the  
18 library;

19 (b) mathematics, including  
20 specifically computational skills, mathematical reasoning,  
21 algebra, geometry, probability, statistics and problem-  
22 solving;

23 (c) science, including specifically  
24 chemistry, biology and life sciences, physics and physical  
25 sciences, environmental sciences and earth and space

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1 sciences;

2 (d) social studies, including  
3 specifically geography, civics, economics, multicultural  
4 studies and the history of the world, regions, United  
5 States, New Mexico and the locality where the students live;

6 (e) arts and the humanities, including  
7 specifically music, theater, dance and visual arts;

8 (f) health and physical education,  
9 including specifically wellness and fitness programs; and

10 (g) world languages;

11 (4) cross-cutting competencies, which are  
12 standards of achievement that require students to develop a  
13 level of competency for integrating and using the following  
14 skills and resources with the knowledge, information and  
15 training provided by and acquired from academic disciplines  
16 and throughout the experiences of their daily lives:

17 (a) communication, including effective  
18 oral and written communication in the English language;

19 (b) technology, including specifically  
20 computer and informational technology;

21 (c) reasoning and problem-solving,  
22 including critical reasoning and effective problem-solving  
23 through the use of analysis, logic, abstract and conceptual  
24 thinking, creativity and meaningful inquiry;

25 (d) citizenship and service, including

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1 an understanding and responsible participation in the  
2 political process and community activities of the school,  
3 community and public interests groups and local, state,  
4 national and global organizations and governments;

5 (e) multicultural competence,  
6 including effective use of strategies to identify and  
7 overcome multicultural bias and exclusionary behavior and  
8 practices through effective communication, intellectual  
9 analysis, social acumen and nonviolent conflict resolution;  
10 and

11 (f) workplace and educational  
12 preparedness, including development and application of  
13 interpersonal and attitudinal skills to manage resources and  
14 time, work with team members, access and use information and  
15 information technology, and achieve goals through  
16 resourcefulness and persistence; and

17 (5) participation requirements, which  
18 requires school districts and schools to increase student  
19 attendance rates at school and reduce the dropout rate to  
20 achieve a ninety-five percent attendance rate and a ninety-  
21 five percent graduation rate within five years of the  
22 implementation of this legislation.

23 Section 48. TEMPORARY PROVISION-- COUNCIL ON SCHOOL  
24 ASSESSMENTS. --

25 A. The "council on school assessments" is

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1 created as a one-year body to develop school performance  
2 assessments for New Mexico. The governor shall appoint  
3 seven members who are acknowledged leaders in the field of  
4 education assessments. The governor shall appoint the  
5 chairman of the council, and the council may appoint other  
6 officers it deems necessary. Appointments shall be for one  
7 year. Members of the council may receive per diem and  
8 mileage as provided in the Per Diem and Mileage Act, but  
9 shall receive no other compensation, perquisite or  
10 allowance.

11 B. Staff for the council on school assessments  
12 shall be provided by the state department of public  
13 education.

14 C. The council on school assessments shall be  
15 convened after completion of the recommendations on  
16 standards by the council on school performance standards.

17 D. The council on school assessments shall make  
18 periodic progress reports and a final report within one year  
19 of beginning work to the state board of education, the  
20 governor and the legislature.

21 E. The state board of education may propose  
22 changes to the recommendations of the council on school  
23 assessments, but cannot implement changes without the  
24 concurrence of the council. If the board refuses to adopt  
25 the assessment recommendations of the council, the board

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1 shall issue a report specifying why the recommendations were  
2 not adopted.

3 F. The council on school assessments shall  
4 create an assessment program that measures the actual  
5 performance and achievement of students and public schools  
6 in the core academic disciplines and evaluate that  
7 achievement in cross-cutting competencies.

8 Section 49. EFFECTIVE DATE. --

9 A. The effective date of the provisions of  
10 Sections 1 through 3, 5 through 7, 9 through 20, 23 through  
11 34 and 46 through 48 is July 1, 2001.

12 B. The effective date of the provisions of  
13 Section 4 is July 1, 2002.

14 C. The effective date of the provisions of  
15 Sections 8, 21 and 22 and 35 through 45 is July 1, 2003.

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